

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Laredo National Bancshares, Inc., et al.)	Civil Action No. 1:00 CV 2081
)	
Plaintiffs,)	Judge Lesley Wells
)	Magistrate Judge Nancy
v.)	Vecchiarelli
)	
Donald E. Schulz, et al.)	
)	
Defendants.)	<u>Advisory to the Court</u>

The purpose of this Advisory is to notify the Court of certain statements contained in plaintiffs' expedited motion to compel (docket entry No. 64), filed on April 5, 2002, which require correction.

On pages 3 and 4 of the motion to compel, plaintiffs represented that one of the documents Schulz' attorney used in connection with the examination of Gary G. Jacobs at his deposition was protected from disclosure pursuant to a protective order entered in the case captioned *In the matter of Incus Co., Ltd., et al.*, Docket Nos. 98-038-B-FHC; 98-038-B-I; 98-038-CMP-FHC; 98-038-CMP-I; 98-038-E-I, before the Board of Governors of the Federal Reserve System (the "Board")¹, as well as the Code of Federal Regulations. The document at issue is a document identified as 000071, an internal memorandum generated by the Board. Plaintiffs asserted that the document was confidential and that Mr. Schulz' possession of the document was not appropriate.

¹ This matter has been resolved and is no longer pending before the Board.

Plaintiffs first learned that Mr. Schulz was in possession of document number 000071 during the deposition of Mr. Jacobs in San Antonio, Texas on March 25, 2002. Plaintiffs filed their motion to compel on April 5, 2002. Plaintiffs have subsequently become aware that document 000071 was attached as an exhibit to a pleading filed in *In the matter of Incus Co., Ltd., et al.* Accordingly, document 000071 was not covered by the protective order from subsequent use or disclosure. Plaintiffs only recently became aware of this fact and timely sought to provide this Advisory to the Court. The prior statements concerning document 000071 contained in plaintiffs' motion to compel were inadvertent.

Conclusion

Plaintiffs submit this Advisory to ensure that the record in this matter remains accurate and that the Court continues to receive accurate information concerning the proceedings in this litigation. Plaintiffs respectfully request that the Court consider this Advisory prior to ruling upon the plaintiffs' expedited motion to compel, United States' motion for protective order, and plaintiffs' motion to hold the government's motion for protective order in abeyance, which have been referred to Magistrate Judge Nancy A. Vecchiarelli for consideration and the preparation of a report and recommendation for their disposition.

Respectfully submitted,

/s/ Colin R. Jennings
Patrick M. McLaughlin
John F. McCaffrey
Colin R. Jennings
McLaughlin & McCaffrey, LLP
1111 Superior Avenue, Suite 1350
Cleveland, Ohio 44114-2500
216-623-0900 - telephone
216-623-0935 - facsimile

pmm@paladin-law.com
Richard G. Cedillo
Jason R. Cliffe
Davis, Cedillo & Mendoza
McCombs Plaza, Suite 500
755 E. Mulberry Avenue
San Antonio, Texas 78212
210-822-6666 - telephone
210-822-1151 - facsimile

Counsel for plaintiffs

Certificate of Service

I hereby certify that the foregoing Advisory to the Court was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system on this the 12th day of June, 2002. Parties may access this filing through the Court's system. A copy has also been served by Regular U.S. Mail upon Sara W. Clash-Drexler, Trial Attorney, Civil Division, U.S. Department of Justice, 901 E Street, Room 927, Washington, D.C. 20004.

/s/ Colin R. Jennings

Colin R. Jennings